IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25191 of 2004

Between:

N.Adilakshmi W/o.N.Ramaraju,Hindu, Fair Price Shop Dealer,
Kalugodu Village, Gummagatta (M), Anantapur Dist.

..... PETITIONER

AND

1 The Joint Collector, Anantapur Dist., Anantapur.
2 The Revenue Divisional Officer, Dharmavaram,Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent remanding the appeal filed by the petitioner to the second respondent in R.C.No.K4/DMV/1404/2004 dated 02-12-2004 without assigning any reason, without setting aside the order of the second respondent passed in R.C.No.2654/2004/F dated 01-11-2004 as illegal, unjust, unsustainable and contrary to the Clause 17(ii) of the A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order 1973.

Counsel for the Petitioner: KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner was suspended by the second respondent through his order dated 01.11.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent. Through an order dated 02.12.2004, the first respondent stayed the operation of the order passed by the second respondent and directed him to pass the orders in the main proceedings. The same is challenged in this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

This Court does not find any detriment that can be said to have been suffered by the petitioner. It is one of the rare cases where the appellate authority had considered the matter objectively and stayed the operation of the order of suspension passed against the petitioner. The grievance of the petitioner appears to be that the first respondent did not set aside the order of suspension. From the point of view of the petitioner, it makes little difference whether the order of suspension is stayed or set aside as long as she is entitled to function as the dealer. This Court does not find any basis to entertain the writ petition.

Hence, the writ petition is dismissed. It is made clear that the second respondent shall proceed with the matter only after issuing a show cause notice to the petitioner and after considering her explanation properly, if necessary by giving an opportunity of being heard to her. No permanent dealer shall be appointed in the meanwhile. There shall be no order as to costs.

31.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Joint Collector Anantapur District, Anantapur.
2 The Revenue Divisional Officer Dharmavaram,Anantapur Dist.

3 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad(OUT).

4 Two CD copies.